

**UNITED STATES DISTRICT COURT
NEW JERSEY DISTRICT COURT
NEWARK**

CASE NO.: 2:24-cv-11103

NY BLACK AND GOLD
CORPORATION,

Plaintiff,

v.

BARBERSALON OUTLET, INC.,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff NY BLACK AND GOLD CORPORATION by and through its undersigned counsel, brings this Complaint against Defendant BARBERSALON OUTLET, INC. for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff NY BLACK AND GOLD CORPORATION (“BG Corp”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute BG Corp’s original copyrighted Works of authorship.

2. Elizabeth Waterman is a photographer, and the owner of BG Corp. Waterman took the photographs at issue in this case and copyrighted them under BG Corp.

3. BG Corp is a creative social media and photography marketing agency whose goal is to elevate brand narratives with custom photography and grow social media accounts through a curated, data-driven approach to management. BG Corp's full suite of services also includes social media ad management and micro-influencer development, and social content production. They work with brands spanning a diverse range of consumer product goods, from fashion to beauty to wellness and beyond.

4. Defendant BARBERSALON OUTLET, INC. ("BS Outlet") provides barber and salon equipment to professionals in the service industry for over 50 years. It is considered the one stop shop for professional products, barber supplies, and salon supplies. At all times relevant herein, BS Outlet owned and operated the internet website located at the URL <https://www.barbersalon.com/> (the "Website").

5. BG Corp alleges that BS Outlet copied its copyrighted Works from the internet in order to advertise, market and promote its business activities. BS Outlet committed the violations alleged in connection with its business.

JURISDICTION AND VENUE

6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

8. BS Outlet is subject to personal jurisdiction in New Jersey.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, BS Outlet engaged in infringement in this district, BS Outlet resides in this district, and BS Outlet is subject to personal jurisdiction in this district.

DEFENDANT

10. BarberSalon Outlet, Inc. is a New Jersey Corporation, with its principal place of business at 280 N Midland Ave, Bldg Q-1, Saddle Brook, New Jersey, 07663, and can be served by serving its Registered Agent, Jin Hi Lee at 280 North Midland Avenue, Building Q-1, Saddle Brook, NJ 07663.

THE COPYRIGHTED WORKS AT ISSUE

11. The below table details the Copyright Titles, Registration Numbers and Registration Issue Dates of the works of intellectual property at issue in this case, one of which is shown below, and which are referred to herein as the “Works.” Copies of the Works are attached hereto as **Exhibit 1**.

<u>Title</u>	<u>Registration Date</u>	<u>Registration Number</u>
1327_Curls1385	April 23, 2020	VA 2-205-488
1327_curls1402	April 23, 2020	VA 2-205-488

<u>Title</u>	<u>Registration Date</u>	<u>Registration Number</u>
1327_Curls1664	April 23, 2020	VA 2-205-488
1327_Curls1666	April 23, 2020	VA 2-205-488
1327_Curls1670	April 23, 2020	VA 2-205-488

1327_Curls1385



12. BG Corp registered the Works with the Register of Copyrights on April 23, 2020, and was assigned registration number VA 2-205-488. The Certificate of Registrations are attached hereto as **Exhibit 2**.

13. BG Corp's Works are protected by copyright but were not otherwise confidential, proprietary, or trade secrets. The Works in perspective, orientation, positioning, lighting, and other details are entirely original, distinctive, and unique. As such, the Works qualify as subject matter protectable under the Copyright Act.

14. At all relevant times BG Corp was the owner of the copyrighted Works.

INFRINGEMENT BY BS OUTLET

15. BS Outlet has never been licensed to use the Works at issue in this action for any purpose.

16. On a date after the Works at issue in this action were created, but prior to the filing of this action, BS Outlet copied the Works.

17. On or about November 30, 2022, BG Corp discovered the unauthorized use of its Works on the Website at the following URLs:

<https://www.barbersalon.com/curls-blueberry-bliss-hair-growth-oil-4-oz.html>,
<https://www.barbersalon.com/hair-salon/curls-blueberry-bliss-curl-control-paste-4-oz.html>,
<https://www.barbersalon.com/hair-salon/curls-blueberry-bliss-curl-control-jelly-8-oz.html>,
<https://www.barbersalon.com/curls-blueberry-bliss-hair-growth-oil-4-oz.html>, and
<https://www.barbersalon.com/hair-salon/curls-blueberry-bliss-reparative-hair-mask-8-oz.html>.

18. BS Outlet copied BG Corp's copyrighted Works without BG Corp's permission or authority.

19. After BS Outlet copied the Works, it made further copies and distributed the Works on the internet to promote the sale of goods and services as part of its barber and salon supply services.

20. BS Outlet copied and distributed BG Corp's copyrighted Works in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

21. BS Outlet committed copyright infringement of the Works as evidenced by the documents attached hereto as **Exhibit 3**.

22. BG Corp never gave BS Outlet permission or authority to copy, distribute or display the Works at issue in this case.

23. BG Corp notified BS Outlet of the allegations set forth herein on September 18, 2023 and October 05, 2023. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

24. BG Corp incorporates the allegations of paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. BG Corp owns valid copyrights in the Works at issue in this case.

26. BG Corp registered the Works at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

27. BS Outlet copied, displayed, and distributed the Works at issue in this case and made derivatives of the Works without BG Corp's authorization in violation of 17 U.S.C. § 501.

28. BS Outlet performed the acts alleged in the course and scope of its business activities.

29. Defendant's acts were willful.

30. BG Corp has been damaged.

31. The harm caused to BG Corp has been irreparable.

WHEREFORE, the Plaintiff NY BLACK AND GOLD CORPORATION prays for judgment against the Defendant BARBERSALON OUTLET, INC. that:

a. BS Outlet and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. BS Outlet be required to pay BG Corp its actual damages and Defendant's profits attributable to the infringement, or, at BG Corp's election, statutory damages, as provided in 17 U.S.C. § 504;

c. BG Corp be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

d. BG Corp be awarded pre- and post-judgment interest; and

e. BG Corp be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

BG Corp hereby demands a trial by jury of all issues so triable.

Dated: December 12, 2024

Respectfully submitted,

/s/ Rebecca A. Kornhauser
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